

08-93-01

Box of
Sequence 7

08/02/01
JCG93 U.S. PTO

DOCKET NO. : CHIR-0315

PATENT

JCG93 U.S. PTO
09/921157
08/02/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Antonio Covacci,
Massimo Bugnoli, John Telford, Giovanni
Macchia and Rino Rappuoli

Serial No.: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Filing Date: Herewith

Examiner: Not Yet Assigned

For: Helicobacter Pylori Cytotoxin Proteins Useful for Vaccines and Diagnostics

EXPRESS MAIL LABEL NO: EL568088980US

DATE OF DEPOSIT: August 2, 2001

Box ☒ Patent Application
☐ Provisional ☐ Design

Assistant Commissioner for Patents
Washington DC 20231

Sir:

PATENT APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find

☒ A Utility Patent Application under 37 C.F.R. 1.53(b).

It is a continuing application, as follows:

☒ continuation ☐ divisional ☐ continuation-in-part of prior application number
09/360,934.

☐ A Provisional Patent Application under 37 C.F.R. 1.53(c).

☐ A Design Patent Application (submitted in duplicate).

☐ **Request for Nonpublication.** The invention(s) disclosed in the present application filed herewith has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing. Thus, pursuant to 35 U.S.C. §122(b)(2)(B)(i), Applicant(s) request that the above-identified patent application not be published.

09921157-080201

Including the following:

- ☐ Provisional Application Cover Sheet.
- ☒ New or Revised Specification, including pages 1 to 66 containing:
- ☒ Specification
 - ☒ Claims
 - ☒ Abstract
 - ☐ Substitute Specification, including Claims and Abstract.
- ☐ The present application is a continuation application of Application No. _____ filed _____. The present application includes the Specification of the parent application which has been revised in accordance with the amendments filed in the parent application. Since none of those amendments incorporate new matter into the parent application, the present revised Specification also does not include new matter.
- ☐ The present application is a continuation application of Application No. _____ filed _____, which in turn is a continuation-in-part of Application No. _____ filed _____. The present application includes the Specification of the parent application which has been revised in accordance with the amendments filed in the parent application. Although the amendments in the parent C-I-P application may have incorporated new matter, since those are the only revisions included in the present application, the present application includes no new matter in relation to the parent application.
- ☒ A copy of earlier application Serial No. 09/360,934 Filed July 26, 1999, including Specification, Claims and Abstract (pages 1 - 66), to which no new matter has been added TOGETHER WITH all drawings and appendices. Such earlier application is hereby incorporated into the present application by reference.
- ☐ Please enter the following amendment to the Specification under the Cross-Reference to Related Applications section (or create such a section): "This Application:
- ☐ is a continuation of ☐ is a divisional of ☐ claims benefit of U.S. provisional Application Serial No. _____ filed _____.

09921157.080201

- ☐ Signed Statement attached deleting inventor(s) named in the prior application.
- ☒ A Preliminary Amendment.
- ☒ 14 Sheets of Formal Drawings.
- ☒ Drawing view to publish: Figure 3.
- ☐ Petition to Accept Photographic Drawings.
- ☐ Petition Fee
- ☐ An ☐ Executed ☒ Unexecuted Declaration or Oath and Power of Attorney.
- ☐ An Associate Power of Attorney.
- ☐ An ☐ Executed ☐ Copy of Executed Assignment of the Invention to _____
_____.
- ☐ A Recordation Form Cover Sheet.
- ☐ Recordation Fee - \$40.00.
- ☒ The prior application is assigned of record to Chiron, S.p.A.
- ☐ Priority is claimed under 35 U.S.C. § 119 of Patent Application No. _____
filed _____ in _____ (country).
- ☐ A Certified Copy of each of the above applications for which priority is
claimed:
- ☐ is enclosed.
- ☐ has been filed in prior application Serial No. _____ filed _____.
- ☐ Please enter the following amendment to the first sentence of the specification
(or create such a sentence): "This application claims benefit of international
application No. _____, which was published under PCT Article 21(2)
in English."

0921157 080201

- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 C.F.R. §1.27 as:
- ☐ an Independent Inventor
- ☐ a Small Business Concern
- ☐ a Nonprofit Organization.
- ☒ Diskette Containing DNA/Amino Acid Sequence Information.
- ☒ Statement to Support Submission of DNA/Amino Acid Sequence Information.
- ☒ Sequence listing consisting of pages 1-19.
- ☐ The computer readable form in this application _____, is identical with that filed in Application Serial Number _____, filed _____. In accordance with 37 CFR 1.821(e), please use the ☐ first-filed, ☐ last-filed or ☐ only computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is ☐ included in the originally-filed specification of the instant application, ☐ included in a separately filed preliminary amendment for incorporation into the specification.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ A copy of Petition for Extension of Time as filed in the prior case.
- ☐ Appended Material as follows: _____.
- ☒ Return Receipt Postcard (should be specifically itemized).

0922157 080201

☐ Other as follows: _____

FEE CALCULATION:

- ☒ Cancel in this application original claims 1-37 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

			SMALL ENTITY		NOT SMALL ENTITY	
			RATE	FEE	RATE	FEE
PROVISIONAL APPLICATION			\$75.00	\$	\$150.00	\$
DESIGN APPLICATION			\$160.00	\$	\$320.00	\$
UTILITY APPLICATIONS BASE FEE			\$355.00	\$	\$710.00	\$710
UTILITY APPLICATION; ALL CLAIMS CALCULATED AFTER ENTRY OF ALL AMENDMENTS						
	No. Filed	No. Extra				
TOTAL CLAIMS	7 - 20 =		\$9 each	\$	\$18 each	\$
INDEP. CLAIMS	3 - 3 =		\$40 each	\$	\$80 each	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			\$135	\$	\$270	\$
ADDITIONAL FILING FEE				\$		\$
TOTAL FILING FEE DUE				\$		\$710.

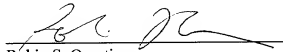
- ☒ A Check is enclosed in the amount of \$710.
- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

0921157511660

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date:

August 2 2001
Robin S. Quartin
Registration No. 45,028

Woodcock Washburn Kurtz
Mackiewicz & Norris LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

©2000 WWKMN

09921157-080201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Antonio Covacci,
Massimo Bugnoli, John Telford, Giovanni
Macchia and Rino Rappuoli

Serial No.: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Filing Date: Herewith

Examiner: Not Yet Assigned

For: Helicobacter Pylori Cytotoxin Proteins Useful for Vaccines and Diagnostics

BOX SEQUENCE

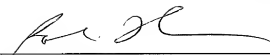
Assistant Commissioner for Patents
Washington DC 20231

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE
WITH 37 CFR §§ 1.821 THROUGH 1.825**

- ☒ I hereby state, in accordance with the requirements of 37 C.F.R. §1.821(f), that the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR §1.821(c) and (e), respectively are the same.
- ☒ I hereby state that the submission filed in accordance with 37 CFR §1.821(g) does not include new matter.
- ☐ I hereby state that the submission filed in accordance with 37 CFR §1.821(h) does not include new matter or go beyond the disclosure in the international application as filed.
- ☐ I hereby state that the amendments, made in accordance with 37 CFR §1.825(a), included in the substitute sheet(s) of the Sequence Listing are supported in the application, as filed, at pages _____. I hereby state that the substitute sheet(s) of the Sequence Listing does (do) not include new matter.
- ☐ I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(b), is the same as the amended Sequence Listing.
- ☐ I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(d), contains identical data to that originally filed.

09924157-080201

Date: *August 2, 2001*



Robin S. Quartin
Registration No. 45,028

Woodcock Washburn Kurtz
Mackiewicz & Norris LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

© 1997 WWMN

0923157 000201
102000 " 5712660